

Procedural Safeguards:

Handbook on Parents' Rights | September 2008

INTRODUCTION

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) is the federal law and Article 9, Section 115C of the North Carolina General Statutes is the State law concerning the education of students with disabilities. Part B of the IDEA refers to the part of the law for children with disabilities who are ages three (3) through 21.

Children with disabilities include those with autism, deaf-blindness, deafness, developmental delay, serious emotional disability, hearing impairment, intellectual disability, multiple disabilities, other health impairment, orthopedic impairment, specific learning disabilities, speech and/or language impairment, traumatic brain injury and visual impairment.

PURPOSE OF THIS DOCUMENT

The IDEA requires schools to provide parents of a child with a disability a notice containing a full explanation of the Procedural Safeguards (legal rights) available under the IDEA and the accompanying federal regulations.

The numbers listed after each heading in this document refer to the sections for the legal citations in the federal regulations. The numbers after some of the sub-headings refer to the legal citations in the North Carolina Policies Governing Services for Children with Disabilities (Policies) where you can find the information. (Examples: 34 CFR §300.300 and NC 1504-1.13)

This document replaces the 2004 Handbook on Parents' Rights. It reflects the mandates of the IDEA (2004), federal regulations (August 14, 2006) and Policies (November 1, 2007).

This document is located at:
<http://www.ncpublicschools.org/ec/policy/resources/>

INFORMATION IN THE PROCEDURAL SAFEGUARDS

The Procedural Safeguards document LEAs are required to give parents applies 13 rights of children with disabilities and their parents.

1. Parental Consent
2. Prior Written Notice
3. Independent Educational Evaluation
4. Confidentiality and Access to Records
5. Unilateral Placement of Children with Disabilities by Parents in Private Schools at Public Expense
6. Availability of Mediation
7. State Complaint Procedures
8. Filing a Due Process Petition
9. Hearings on Due Process Petitions
10. State-Level Appeals
11. Civil Actions
12. Attorney's Fees
13. Disciplinary Procedures

WHEN YOU WILL RECEIVE THE PROCEDURAL SAFEGUARDS

The Procedural Safeguards must be given to you **one time each school year** and at the following times:

- a. When your child is first referred for evaluation or when you request an evaluation;
- b. When you request a copy of the Procedural Safeguards;
- c. When your child is removed for disciplinary reasons and the removal results in a change in placement;
- d. Upon receipt of the first State complaint and/or the first due process petition in a school year, if you file a State complaint or request a due process hearing; and
- e. Upon each revision to the Procedural Safeguards.

TO ASSIST YOU:

There are some definitions provided after the Procedural Safeguards headings and sub-headings. Acronyms and additional definitions used often in special education are at the end of this document in Appendix I. Throughout this document, day means calendar day unless it is written as business day or school day.



Explanations in more reader-friendly language are beside the citations. These begin with ***In Other Words...***